

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #8	CCRB Case #: 201905240	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/07/2019 8:30 AM	Location of Incident: 17 Smith Street	Precinct: 84	18 Mo. SOL 10/7/2020	EO SOL 5/24/2021	
Date/Time CV Reported Thu, 06/13/2019 1:42 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Thu, 06/13/2019 1:42 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Letitia Monge	30210	935702	OMAP

Officer(s)	Allegation	Investigator Recommendation
A.POF Letitia Monge	Abuse: Police Officer Letitia Monge threatened to arrest § 87(2)(b)	

Case Summary

On June 13, 2019, § 87(2)(b) filed this complaint with the CCRB via USPS.

On April 7, 2019, at approximately 8:30 a.m., in the vicinity of 17 Smith Street in Brooklyn, Police Officer Letitia Monge of the Office of Management and Planning threatened to arrest § 87(2)(b) (Allegation A: Abuse of Authority, § 87(2)(g))

This case does not contain video evidence.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Letitia Monge threatened to arrest § 87(2)(b)

In his sworn statement provided on July 27, 2019, § 87(2)(b) stated that on April 7, 2019, at approximately 8:20 a.m., he went to the Brooklyn Tabernacle church, located at 17 Smith Street in Brooklyn, to distribute leaflets outlining a wide-ranging conspiracy involving women being raped at the New York Stock Exchange (Board Reviews 01 and 02). Upon his arrival at the Brooklyn Tabernacle, § 87(2)(b) stood directly in front of the church on the curb, between the rightmost and second-rightmost doors on Smith Street. A Google Maps Street View image of this area may be reviewed at Board Review 13. § 87(2)(b) did not do anything other than stand at this location and hand out leaflets. As he handed out the leaflets, § 87(2)(b) stated, “Here, read about how black women were raped on Wall Street.” No one complained about § 87(2)(b) handing out leaflets.

Approximately ten minutes later, an officer, PO Monge, exited the church and told § 87(2)(b) “You get out of here.” § 87(2)(b) replied, “What do you mean?” PO Monge replied, “You gotta move, you gotta get out of here.” § 87(2)(b) replied, “Well how many feet you want me away from the door? 15, 20, 25?” PO Monge then pointed towards Fulton Street and stated, “No, you go down to the corner.” § 87(2)(b) replied, “Come on.” PO Monge then stated, “I’ll have you arrested. I’ll get a van down here with six police officers. They’ll grab you in the van, they’ll arrest you.” § 87(2)(b) then went down to the corner of Fulton Street and Smith Street (Board Review 12).

§ 87(2)(g)

In her statement provided August 7, 2019, PO Monge relayed that on Sunday, April 7, 2019, she was performing a paid detail assignment at the Brooklyn Tabernacle Church (Board Review 04). PO Monge had performed this assignment numerous times prior to the incident. At approximately 8:30 a.m., the head of security, § 87(2)(b) called PO Monge and requested that she remove § 87(2)(b) who was passing out pamphlets in front of the Brooklyn Tabernacle and bothering the parishioners. § 87(2)(b) told PO Monge that § 87(2)(b) had previously refused to move.

PO Monge then walked outside and observed § 87(2)(b) directly in front of the church, less than a foot away from the door, handing out flyers to “people that were coming into the church.” § 87(2)(b) was outside as well, but was not interacting with § 87(2)(b). Nothing about § 87(2)(b)’s demeanor attracted PO Monge’s attention, and § 87(2)(b)

§ 87(2)(b) was doing nothing except handing out flyers. PO Monge did not know what kind of flyers § 87(2)(b) was handing out. PO Monge did not recall any sort of noise being generated by § 87(2)(b) standing and handing out flyers, and § 87(2)(b) was not verbally loud to her recollection. When asked how the people receiving the flyers were responding, PO Monge stated, “They just wanted to go by. They just wanted to come in.” When asked if the individuals were, in fact, coming in and out of the church, PO Monge replied, “No, they were just coming in.” The parishioners were not stopping as they took flyers from § 87(2)(b).

PO Monge exited the church and asked § 87(2)(b) “Could you please just move down from in front of the church to either corner, either Livingston or down to Fulton.” PO Monge asked § 87(2)(b) to move approximately two times and told him, “If you do not move, you can be arrested.” When asked during her interview what § 87(2)(b) would have been arrested for, PO Monge stated, “For not complying, for being in front of the church.” When asked to clarify this statement, PO Monge stated, “For being in front of the church and handing out flyers, and whatever those flyers were, I guess they did not want them being done in front of there, so if he didn’t move eventually, I told him, to just move down the side of the church, so, they won’t have no problems with it.” PO Monge initially stated that § 87(2)(b) would not have been arrested for anything else during the interaction.

During her CCRB interview, PO Monge’s PBA representative repeatedly interjected with leading questions containing language drawn verbatim from the statute for disorderly conduct, such as “So is it safe to say that he was creating annoyance and alarm?” Following the CCRB asking if § 87(2)(b)’s conduct as relayed above constituted a crime, PO Monge’s PBA representative directly asked whether § 87(2)(b) was “blocking pedestrian traffic” and suggested that he could be arrested for disorderly conduct, which PO Monge affirmed. Following this exchange, PO Monge asserted that § 87(2)(b) was blocking the door in such a manner that people could not in any capacity enter the Brooklyn Tabernacle. PO Monge further denied telling § 87(2)(b) to move to the corner, stating that she merely instructed him to move from directly in front of the door to the Brooklyn Tabernacle without issuing specific instructions regarding how far he needed to be from the church. PO Monge believed that § 87(2)(b) went all the way to the corner, but did not recall where exactly he went. PO Monge did not suspect § 87(2)(b) of any crimes except disorderly conduct.

In a telephone statement obtained on August 27, 2019, § 87(2)(b) claimed that § 87(2)(b) was standing directly in front of the sole entrance to the Brooklyn Tabernacle, being “loud,” “nasty” and “a little hostile” in a manner upon which he could not elaborate (Board Review 05). § 87(2)(b) described § 87(2)(b) as standing at a distance from the door which he could not estimate, but which was “blocking people going in and out.” At § 87(2)(b) request, PO Monge asked § 87(2)(b) to move so that he was not blocking the door. § 87(2)(b) denied hearing PO Monge threaten § 87(2)(b) with arrest. During his phone interview, § 87(2)(b) was asked a total of five times in succession whether parishioners were able to enter the Brooklyn Tabernacle during the interaction. After repeatedly responding with ambiguous statements such as, “Not within, like, the door,” and “No, at that point, it’s going in and out. I can’t remember. It’s a flow go, sometimes it’s a flow yes, sometimes no [sic],” § 87(2)(b) ultimately stated that he could not remember if parishioners were successfully entering

the church. Upon being asked whether PO Monge had discussed this complaint with him, § 87(2)(b) responded, "I have one who told me one before, but I don't know if it's the same one." § 87(2)(b) did not remember the approximate time frame of when a police officer told him that she had been the subject of a complaint.

A query of the CTS database indicates that there has been only one prior CCRB complaint concerning an incident at the Brooklyn Tabernacle, which occurred in 2016 (Board Review 06).

N.Y. Penal Law § 240.20 (Board Review 07) states: "A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. He engages in fighting or in violent, tumultuous or threatening behavior; or
2. He makes unreasonable noise; or
3. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or
4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or
5. He obstructs vehicular or pedestrian traffic; or
6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose."

In People v. Kunz, 205 Misc. 316, 128 N.Y.S.2d 157 (Magis. Ct. 1954) (Board Review 08), the Court of Special Sessions of New York, City of New York, Appellate Part, First Judicial Department, New York County held that handing out pamphlets to employees leaving their place of employment does not constitute disorderly conduct.

By contrast, in People v. Kunz, 205 Misc. 316, 128 N.Y.S.2d 157 (Magis. Ct. 1954) (Board Review 09), the City Magistrate's Court of New York, Borough of Manhattan, Mid-Manhattan Court upheld a street preacher's conviction for disorderly conduct after he attracted a crowd of approximately 300 people, which overflowed onto the roadway and obstructed pedestrian and vehicular traffic, and refused three times to move closer to the curb to allow the free flow of traffic.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g) [Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted].

Civilian and Officer CCRB Histories

- PO Monge has been a member of the NYPD for fifteen years. This is her first CCRB complaint.
- This is § 87(2)(b) [Redacted] s first CCRB complaint (Board Review 10).

Mediation, Civil and Criminal Histories

- This case was referred to ADR on June 21, 2019. On July 23, 2019, this case was returned for investigation due to PO Monge’s failure to accept mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [Redacted]
[Redacted]
- A FOIL request was filed with the NYC Comptroller’s office on August 28, 2018 to determine whether § 87(2)(b) [Redacted] has filed a Notice of Claim regarding this incident. The request is currently pending.

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date